

Application No.: 10/747845
Amendment dated: December 16, 2004
Reply to Office action of September 16, 2004

REMARKS/ARGUMENTS

The Applicants confirm the election of claims 1-6 and 11-15.

Claim 2 has been cancelled because the cancellation of the term "at least a portion of" in claim 1 effectively incorporates the limitation of claim 2 into claim 1. The cancellation of claim 2 addresses the objection that it is a duplicate of claim 1, and also addresses the objection that it depends upon itself.

In this amendment, the limitations of both of claims 5 and 6 have been incorporated into claim 1, and the limitations of claim 14 have been incorporated into claim 12. Essentially, these two independent claims, 1 and 12, now define the convex upper edges of the opaque film layers, as seen in FIGs. 1 - 3.

The Applicants request reconsideration of the rejection, based on Capes and Einhorn, as previously applied to claims 6 and 14.

As pointed out in the Applicants' specification, in paragraphs 0027, "The upper edge 28 of film layer 18 has an upwardly convex curvature, and consequently the film layer obscures a vertically higher portion of the central part of the visual field than of the left and right portions of the visual field. The film layer therefore allows the player a high degree of peripheral vision while obscuring a relatively large part of the lower portion of the central visual field." And, as stated in paragraph and 0031, "The convex curvature of

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the upper edges of the films provides the player with a larger field of vision to either side of center, so that balls thrown to the right or left can be caught more easily."

In baseball, in pursuing a ground ball hit toward an area to the right or left of the fielder, the fielder will move his head to the right or left, depending on which area the ball is approaching. If the fielder were to use opaque inserts having a straight upper edge, he would be able to field ground balls approaching him directly, and the opaque inserts would train him to keep his head down, as he should. However, he would quickly lose sight of ground balls approaching areas to his left or right when he turns his head to the left or right, even if he keeps his head down. The convex upper edge of the Applicants' inserts avoid this problem by providing the player with sufficient peripheral vision. If the player turns his head to the left in the process of retrieving a ground ball hit toward an area to his left, he can turn his head to the left, keep it down to follow the ball, and still be able see the ball by rotating his eyes to his right, as the ball approaches his glove. Likewise, if the ball is hit toward an area to the right of the fielder, he can turn his head to the right as he goes after the ball, keep his head down, and follow the ball visually by rotating his eyes toward his left. In other words, the convex upper edges of the opaque film layers allow the opaque layers to perform consistently regardless of whether a ground ball is approaching directly, or toward one side or the other of the fielder. Thus, the

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convex upper edges of the opaque film layers produce functional differences and are not mere arbitrary design choices. None of the references demonstrates that the convex upper edges, as now defined in claims 1 and 12, would have been obvious.

Capes describes a set of keyboard practice glasses, in which the lenses are divided, substantially in half, into an upper, clear, region and a lower, opaque, region by a straight horizontal boundary. (Capes, column 3, lines 15-24) Einhorn describes press-on lenses, attachable electrostatically to conventional glasses. As will be apparent from the Einhorn's drawings, he contemplates one version of a press-on lens that cover the entire surface of a lens of a pair of glasses (FIG. 1), and alternative versions in which the press-on lens covers the upper portion, the lower portion, or a middle portion, of the lens of the pair of glasses (FIG. 2). In the case of a press-on lens covering the lower portion, the upper edge is straight. In the one case where the upper edge is convex (lenses 14 in FIG. 2), the "lens 14 is utilized as a superior half lens on the upper portion of the existing eyeglass lens. . . ." (Einhorn, column 3, lines 41-42)

Neither of these two references, Capes and Einhorn, teaches the specific configuration defined in the Applicants' claims 1 and 12, as amended. That is, neither teaches the use of a film or any other sort of partial coverage for an eyeglass lens in which

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"the lower edge of each film layer conform[s] in shape to, and coincid[es] with, the lower edge of the lens to which it adheres; and in which each of said film layers has an upper edge extending across substantially the entire width thereof, said upper edge being convex upwardly. . .," (claim 1) or

or a combination of an eyeglass frame having transparent lenses and a set of opaque layers of film, in which

"the lower edges of the opaque layers of film [conform] in shape respectively to the lower edges of [the] transparent lenses" and in which each of [the] opaque film layers has an upper edge extending across substantially the entire width thereof, said upper edge being convex upwardly. . .," (claim 12).

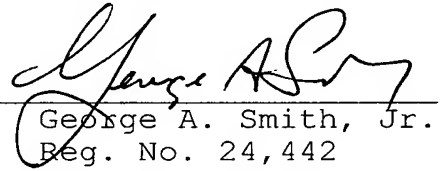
The references also lack a teaching of the "plurality of pairs of opaque layers of film" where "the height of each of the opaque film layers of one of said pairs on said sheet is greater than the height of each of the opaque film layers of another of said pairs on said sheet," as set forth in claim 12, or the subsidiary features in claims 13 and 15, in which the width of each of the opaque film layers of one of the pairs is greater than the width of each of the opaque film layers of another of the pairs (claim 13), or in which the height and width of each of the opaque film layers of one of the pairs are greater respectively than the height and width of each of the opaque film layers of another of the pairs. (claim 15).

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The remaining references likewise lack a suggestion of the claimed features discussed above. Accordingly, the Applicants respectfully submit that the claims, as herein amended should be found allowable, and request the issuance of a notice of allowance.

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